

BOSS KELLY'S TRIUMPH.

Legal Decision in the New York Inspector Cases.

**Police Commissioners Required to Appoint
a Tammany Inspector—Opportunity
Given to Act Before the Order is
Issued—Pointed Remarks of
Mr. Stoughton—The Mys-
terious Hand, &c.**

Boss Kelly Achieves a Victory in the Court
NEW YORK, Oct. 3.—The case of police com-

cause before the extraordinary general term of the Supreme court why a mandamus should not issue compelling them to appoint one inspector of election from each election district in addition to inspectors already appointed.

was up again for hearing to-day. The general term room was filled with an interested audience of lawyers, office-holders and politicians. Messrs. E. W. Stoughton, D. D. Field, Dudley Field and Mr. Bacon appeared as counsel for

represented by Mr. Bangs and Mr. Stetson, and Commissioners Wheeler and French had Mr. Elihu Root to look after their interests. Messrs. Wheeler and French were present, and also Lieutenant Governor Burdick.

Stoughton made a long address in support of the motion for a writ mandamus compelling the commissioners to act. Counsel advised strongly on the commissioners disobeying the order of the Supreme court, and one of them said he

prominent citizens for inspectors of election in order to hold them up to ridicule. Throughout the whole proceedings of the board, and in every action of the person alluded to, it is apparent that he is alluded to by the name of

trembling finger of an almost paralyzed hand and when the finger moves then the commissioner acts according to the unseen writing. The court, after a long recess, announced that they had come to an unanimous conclusion as to their constitutionality. The American

duties of the police board, executing in the appointment of inspectors of elections. The court thinks that after inspectors of elections representing the political minority (the Republicans) in this city or State issues were appointed it was the duty

spectors from the Democratic party in its entirety and not from any faction thereof; that as they have already selected a third inspector in each district from the wing of the party known as the Irving Hall Democracy, it is now their duty to choose the remaining

spectors from the organization known as the Tammany Hall. [Great applause.] Although the court is unanimous in the opinion given, and that a mandamus should issue, they are unable to agree on the form of the order, and will adjourn until 11 o'clock to-morrow so that the

adopt a course that will commend itself to a fair-minded men. By that time the court will have decided on the form of the order.

Mayor Cooper Rattles Again.
New York, Oct. 3.—Mayor Cooper this morn-

Police Commissioner French, and ordered him to show cause at 12 o'clock to-morrow why he should not be removed thereon. The charge is that he refused to act with his colleagues Messrs. Marriot and Meade in the investigation.

inspector of election, and that in company with Commissioner Wheeler he left the meeting of the board without permission and without any adjournment, and left the board without a quorum.

A Dissolution of Partnership, and Receive Asked for.

General Oscar J. Averill yesterday filed bill in equity against Walter R. Davies. The former claims to be a resident of Salt Lake

About the 1st of May, 1877, the parties formed a copartnership for the purpose of laying pav-

more, Md. At the time of entering into the agreement the complainant held by contract with the Gorhamite and Trinidad Asphalt Pavement Company of New York the exclusive right to lay that pavement in this city.

the right to use certain secret processes owned by the pavement company, and which have since been patented. The plaintiff enjoys the right to use all machinery, fixtures, tools and appliances of that company, valued at \$30,000, then set up and in complete working order.

northwest, the land on which it was located and to be supplied by the pavement company with crude Trinidad asphalt at five percent above its actual cost, and with liquid asphalt on the same terms, the consideration of saving ground rent to

These rights were transferred to the partnership May 1, 1877, and the complainant thinks and believes that they were then worth \$5,000 per annum in excess of the ground—rent, taxes,

He states that the defendant brought into the firm no capital, but agreed to furnish as much cash as might be necessary to carry on the business, and the plaintiff thinks that \$5,000 for three months would have been all that was

business. During the first year about 50,000 yards of pavement was laid at an average price of \$3.45 per square yard, amounting to \$103

In 1879, 1,100 yards were laid in Georgetown at \$1.95 per square yard, amounting to \$2,145.

The plaintiff charges that since 1877 the defendant has failed to render him or the Tru-

of the profits, although repeatedly requested to do so. On the contrary, he charges that Mr. Davies has treated the property of the company as his own, thereby increasing the plaintiff's liability to the Trinidad Company and dangers of a damage suit for violation of

it will cost \$1,500 to put the machinery in repair, and that there is due him under the partnership compact \$8,878.33. General Averil asks for the dissolution of the partnership that a receiver be appointed to close up the

Mr. Walter R. Davies, by his attorney, yesterday entered suit against James McLean for

large rolling tanks, machinery, tools, steam engine, &c., in all valued at \$5,000, and in addition claims \$1,000 damages, with costs. This action grows out of the recent seizure of the asphalt works, corner of Fifteenth and I streets, northwest.

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